



General Assembly

February Session, 2014

Raised Bill No. 5588

LCO No. 2787



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING BAIL BONDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-660c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) A surety bail bond agent may enter into a premium financing
4 arrangement with a principal or any indemnitor in which such agent
5 extends credit to such principal or indemnitor.

6 (b) If a surety bail bond agent enters into a premium financing
7 arrangement, such agent shall require (1) the principal on the bail bond
8 or any indemnitor to make a minimum down payment of thirty-five
9 per cent of the premium due, at the premium rate approved by the
10 commissioner pursuant to chapter 701, and (2) the principal on the bail
11 bond and any indemnitor to execute a promissory note for the balance
12 of the premium due. Such promissory note shall provide that such
13 balance shall be paid not later than ~~[fifteen]~~ twenty-four months after
14 the date of the execution of the bail bond. If such balance has not been
15 paid in full to the surety bail bond agent by the due date or a payment

16 due under such arrangement is more than sixty days in arrears, such
17 agent shall file a civil action seeking appropriate relief with the court
18 not later than seventy-five days after such due date. The surety bail
19 bond agent shall make a diligent effort to obtain judgment after filing
20 such complaint on such promissory note unless good cause is shown
21 for failure to obtain judgment, including, but not limited to, the filing
22 for bankruptcy by the principal or the indemnitor or failure to serve
23 process despite good faith efforts.

24 Sec. 2. Section 54-65 of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective October 1, 2014*):

26 (a) Any surety in a recognizance in criminal proceedings, who
27 believes that [his] such surety's principal intends to abscond, shall
28 apply to a judge of the Superior Court, produce [his] such surety's bail
29 bond or evidence of [his] being a surety, and verify the reason of [his]
30 such surety's application by oath or otherwise. Thereupon, the judge
31 shall immediately grant a mittimus, directed to a proper officer or
32 indifferent person, commanding [him] such officer or indifferent
33 person immediately to arrest the principal and commit [him] the
34 principal to a community correctional center. The Community
35 Correctional Center Administrator shall receive the principal and
36 retain [him] the principal in a community correctional center until
37 discharged by due order of law. The surrender of the principal shall be
38 a full discharge of the surety upon [his] such surety's bond or
39 recognizance.

40 (b) If the principal of a surety in a recognizance in criminal
41 proceedings absconds, such surety may apply, prior to six months
42 after the date the bond is ordered forfeited, to a judge of the Superior
43 Court to be released from such bond. The judge may release such
44 surety from such bond for good cause shown.

45 Sec. 3. Section 54-65a of the general statutes is repealed and the
46 following is substituted in lieu thereof (*Effective October 1, 2014*):

47 (a) (1) Whenever an arrested person is released upon the execution
48 of a bond with surety in an amount of five hundred dollars or more
49 and such bond is ordered forfeited because the principal failed to
50 appear in court as conditioned in such bond, the court shall, at the time
51 of ordering the bond forfeited: [(1)] (A) Issue a rearrest warrant or a
52 capias directing a proper officer to take the defendant into custody,
53 [(2)] (B) provide written notice to the surety on the bond that the
54 principal has failed to appear in court as conditioned in such bond,
55 except that if the surety on the bond is an insurer, as defined in section
56 38a-660, the court shall provide such notice to such insurer and not to
57 the surety bail bond agent, as defined in section 38a-660, and [(3)] (C)
58 order a stay of execution upon the forfeiture for six months. The court
59 may, in its discretion and for good cause shown, extend such stay of
60 execution. A stay of execution shall not prevent the issuance of a
61 rearrest warrant or a capias.

62 (2) When the principal whose bond has been forfeited is returned to
63 custody pursuant to the rearrest warrant or a capias within six months
64 [of] after the date such bond was ordered forfeited or, if a stay of
65 execution was extended, within the time period inclusive of such
66 extension of the date such bond was ordered forfeited, the bond shall
67 be automatically terminated and the surety released and the court shall
68 order new conditions of release for the defendant in accordance with
69 section 54-64a.

70 (3) When the principal whose bond has been forfeited returns to
71 court voluntarily within five business days [of] after the date such
72 bond was ordered forfeited, the court may, in its discretion, and after
73 finding that the defendant's failure to appear was not wilful, vacate the
74 forfeiture order and reinstate the bond. [Such stay of execution shall
75 not prevent the issuance of a rearrest warrant or a capias.]

76 (4) When the principal whose bond has been forfeited returns to
77 court voluntarily more than five business days and less than six
78 months after the date such bond was ordered forfeited, the bond shall

79 be automatically terminated and the surety released and the court shall
80 order new conditions of release for the defendant in accordance with
81 section 54-64a.

82 (b) Whenever an arrested person, whose bond has been forfeited, is
83 returned to the jurisdiction of the court within one year [of] after the
84 date such bond was ordered forfeited, the surety on such bond shall be
85 entitled to a rebate of that portion of the forfeited amount as may be
86 fixed by the court or as may be established by a schedule adopted by
87 rule of the judges of the court.

88 Sec. 4. Section 54-66 of the general statutes is repealed and the
89 following is substituted in lieu thereof (*Effective October 1, 2014*):

90 (a) (1) In any criminal case in which a bond is allowable or required
91 and the amount [thereof] of such bond has been determined, the
92 accused person, or any person [in] on the accused person's behalf, [(1)]
93 (A) may deposit, with the clerk of the court having jurisdiction of the
94 offense with which the accused person stands charged or any assistant
95 clerk of such court who is bonded in the same manner as the clerk or
96 any person or officer authorized to accept bail, a sum of money equal
97 to the amount called for by such bond, or [(2)] (B) may pledge real
98 property, the equity of which is equal to the amount called for by such
99 bond, provided the person pledging such property is the owner of
100 such real property, and such accused person shall thereupon be
101 admitted to bail.

102 (2) When cash bail is offered, such bond shall be executed and the
103 money shall be received in lieu of a surety or sureties upon such bond.
104 Such cash bail shall be retained by the clerk of such court until a final
105 order of the court disposing of the same is passed, [; provided,] except
106 that if such bond is forfeited, the clerk of such court shall pay the
107 money to the payee named therein, according to the terms and
108 conditions of the bond. When cash bail in excess of ten thousand
109 dollars is received for a person accused of a felony, where the

110 underlying facts and circumstances of the felony involve the use,
111 attempted use or threatened use of physical force against another
112 person, the clerk of such court shall prepare a report that contains (A)
113 the name, address and taxpayer identification number of the accused
114 person, (B) the name, address and taxpayer identification number of
115 each person offering the cash bail, other than a person licensed as a
116 professional bondsman under chapter 533 or a surety bail bond agent
117 under chapter 700f, (C) the amount of cash received, and (D) the date
118 the cash was received. Not later than fifteen days after receipt of such
119 cash bail, the clerk of such court shall file the report with the
120 Department of Revenue Services and mail a copy of the report to the
121 state's attorney for the judicial district in which the court is located and
122 to each person offering the cash bail.

123 [(b)] (3) When real property is pledged, the pledge shall constitute a
124 lien on the real property upon the filing of a notice of lien in the office
125 of the town clerk of the town in which the real property is located. The
126 lien shall be in an amount equal to the bond set by the court. The
127 notice of lien shall be on a form prescribed by the Office of the Chief
128 Court Administrator. Upon order of forfeiture of the underlying bond,
129 the state's attorney for the judicial district in which the forfeiture is
130 ordered shall refer the matter to the Attorney General and the
131 Attorney General may, on behalf of the state, foreclose such lien in the
132 same manner as a mortgage. The lien created by this subsection shall
133 expire six years after the forfeiture is ordered unless the Attorney
134 General commences an action to foreclose it within that period of time
135 and records a notice of lis pendens in evidence thereof on the land
136 records of the town in which the real property is located. If the bond
137 has not been ordered forfeited, the clerk of the court shall authorize the
138 recording of a release of such lien upon final disposition of the
139 criminal matter or upon order of the court. The release shall be on a
140 form prescribed by the Office of the Chief Court Administrator.

141 [(c)] (b) (1) Whenever an accused person is released upon the
142 deposit by a person on behalf of the accused person of a sum of money

143 equal to the amount called for by such bond or upon the pledge by a
144 person on behalf of the accused person of real property, the equity of
145 which is equal to the amount called for by such bond, and such bond is
146 ordered forfeited because the accused person failed to appear in court
147 as conditioned in such bond, the court shall, at the time of ordering the
148 bond forfeited: [(1)] (A) Issue a rearrest warrant or a capias directing a
149 proper officer to take the accused person into custody, [(2)] (B) provide
150 written notice to the person who offered cash bail or pledged real
151 property on behalf of the accused person that the accused person has
152 failed to appear in court as conditioned in such bond, and [(3)] (C)
153 order a stay of execution upon the forfeiture for six months. The court
154 may, in its discretion and for good cause shown, extend such stay of
155 execution. A stay of execution shall not prevent the issuance of a
156 rearrest warrant or a capias.

157 (2) When the accused person whose bond has been forfeited is
158 returned to custody pursuant to the rearrest warrant or a capias within
159 six months of the date such bond was ordered forfeited or, if a stay of
160 execution was extended, within the time period inclusive of such
161 extension of the date such bond was ordered forfeited, the bond shall
162 be automatically terminated and the person who offered cash bail or
163 pledged real property on behalf of the accused person shall be released
164 from such obligation and the court shall order new conditions of
165 release for the accused person in accordance with section 54-64a.

166 (3) When the accused person whose bond has been forfeited returns
167 to court voluntarily within five business days of the date such bond
168 was ordered forfeited, the court may, in its discretion, and after finding
169 that the accused person's failure to appear was not wilful, vacate the
170 forfeiture order and reinstate the bond. [Such stay of execution shall
171 not prevent the issuance of a rearrest warrant or a capias.]

172 Sec. 5. Section 54-65c of the general statutes is repealed and the
173 following is substituted in lieu thereof (*Effective October 1, 2014*):

174 A court shall vacate an order forfeiting a bail bond and release the
175 professional bondsman, as defined in section 29-144, or the surety bail
176 bond agent and the insurer, as both terms are defined in section 38a-
177 660, if (1) the principal on the bail bond (A) is detained or incarcerated
178 (i) in another state, territory or country, or (ii) by a federal agency, or
179 (B) has been removed by United States Immigration and Customs
180 Enforcement, and (2) the professional bondsman, the surety bail bond
181 agent or the insurer provides satisfactory proof of such detention, [or]
182 incarceration or removal to the court and the state's attorney
183 prosecuting the case, and (3) the state's attorney prosecuting the case
184 declines to seek extradition of the principal.

185 Sec. 6. Section 54-66a of the 2014 supplement to the general statutes
186 is repealed and the following is substituted in lieu thereof (*Effective*
187 *October 1, 2014*):

188 Any bail bond posted in any criminal proceeding in this state shall
189 be automatically terminated and released whenever the defendant: (1)
190 Is granted accelerated rehabilitation pursuant to section 54-56e; (2) is
191 granted admission to the pretrial alcohol education program pursuant
192 to section 54-56g; (3) is granted admission to the pretrial family
193 violence education program pursuant to section 46b-38c; (4) is granted
194 admission to the community service labor program pursuant to section
195 53a-39c; (5) is granted admission to the pretrial drug education and
196 community service program pursuant to section 54-56i; (6) has the
197 complaint or information filed against such defendant dismissed; (7) is
198 acquitted; (8) is sentenced by the court and such sentence commences;
199 (9) is granted admission to the pretrial school violence prevention
200 program pursuant to section 54-56j; (10) is charged with a violation of
201 section 29-33 and prosecution has been suspended pursuant to
202 subsection (h) of section 29-33; or (11) is granted admission to the
203 supervised diversionary program for persons with psychiatric
204 disabilities, or persons who are veterans, pursuant to section 54-56l.

205 Sec. 7. (*Effective from passage*) (a) There is established a task force to

206 examine (1) methods for reducing the costs incurred to extradite an
207 individual to the state with respect to criminal proceedings pending
208 against such individual in this state, and (2) the feasibility of
209 permitting a judge of the Superior Court to vacate an order forfeiting a
210 bail bond when a professional bondsman, surety bail bond agent or
211 insurer pays the costs of extraditing the principal on the forfeited bail
212 bond.

213 (b) The task force shall consist of the following members:

214 (1) One appointed by the speaker of the House of Representatives,
215 who shall be a surety bail bond agent or a professional bondsman in
216 this state;

217 (2) One appointed by the president pro tempore of the Senate, who
218 shall be a representative of an insurer, as defined in section 38a-660 of
219 the general statutes;

220 (3) One appointed by the majority leader of the House of
221 Representatives;

222 (4) One appointed by the majority leader of the Senate;

223 (5) One appointed by the minority leader of the House of
224 Representatives;

225 (6) One appointed by the minority leader of the Senate;

226 (7) The Commissioner of Emergency Services and Public Protection,
227 or the commissioner's designee;

228 (8) A representative of the United States Marshals Service, who shall
229 be appointed by the United States Marshal for the District of
230 Connecticut; and

231 (9) The Chief State's Attorney.

232 (c) Any member of the task force appointed under subdivision (3),

233 (4), (5) or (6) of subsection (b) of this section may be a member of the
234 General Assembly.

235 (d) All appointments to the task force shall be made not later than
236 thirty days after the effective date of this section. Any vacancy shall be
237 filled by the appointing authority.

238 (e) The Chief State's Attorney shall serve as chairperson of the task
239 force. Such chairperson shall schedule the first meeting of the task
240 force, which shall be held not later than sixty days after the effective
241 date of this section.

242 (f) The administrative staff of the joint standing committee of the
243 General Assembly having cognizance of matters relating to the
244 judiciary shall serve as administrative staff of the task force.

245 (g) Not later than January 15, 2015, the task force shall submit a
246 report on its findings and recommendations to the joint standing
247 committee of the General Assembly having cognizance of matters
248 relating to the judiciary, in accordance with the provisions of section
249 11-4a of the general statutes. The task force shall terminate on the date
250 that it submits such report or January 15, 2015, whichever is later.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	38a-660c
Sec. 2	<i>October 1, 2014</i>	54-65
Sec. 3	<i>October 1, 2014</i>	54-65a
Sec. 4	<i>October 1, 2014</i>	54-66
Sec. 5	<i>October 1, 2014</i>	54-65c
Sec. 6	<i>October 1, 2014</i>	54-66a
Sec. 7	<i>from passage</i>	New section

Statement of Purpose:

To revise statutes concerning the execution, administration and forfeiture of bail bonds and the regulation of surety bail bond agents,

and establish a task force to study issues regarding the extradition of fugitives to the state to face criminal proceedings in this state.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]